

07/09/99  
Jc662 U.S. PTO

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)

Date of Deposit: July 9, 1999  
Client/Matter No.: 154143-0017  
Deposit Account No. 09-0946

This is a request for filing a ☒ continuation ☐ division  
application under 37CFR 1.53(b) (Rule 53(b)) of prior pending application:

EXPRESS MAIL LABEL NO.: EL089006744US

Inventor(s): JOHN M. PAYNE ET AL.  
Serial No.: 08/788,613  
Filed: January 24, 1997  
Art Unit: 2758  
Examiner: A. Caldwell  
For: SYSTEM AND METHOD FOR TRANSMISSION OF DATA

Jc617 U.S. PTO  
09/350467  
07/09/99

Box: Patent Application  
Hon. Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

1. COPY OF PRIOR APPLICATION

Attached is a true copy of the prior application as originally filed, including:

- ☒ Abstract
- ☒ Specification and claims as originally filed (78 pages)
- ☒ Signed declaration or oath as originally filed
- ☒ Sheets of Drawings: 30 Informal ☐; Formal ☒
- ☒ Verified Statement Claiming Small Entity Status

2. STATEMENT OF INVENTORSHIP

This Rule 53(b) application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are:

- ☒ the same
- ☐ less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 60 application:

- 1. \_\_\_\_\_ 2. \_\_\_\_\_
- 3. \_\_\_\_\_ 4. \_\_\_\_\_

3. RELATE BACK - 35 U.S.C. 120

- ☒ Amend the specification by inserting before the first line the sentence:

This is a ☒ continuation ☐ division of co-pending application

☒ Serial No. 08/788,613, filed January 24, 1997, which claims the benefit of U.S. Provisional Application No. 60/010,651, filed on January 26, 1996; U.S. Provisional Application No. 60/014,341, filed on March 29, 1996; U.S.

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Provisional Application No. 60/014,735, filed on April 1, 1996; and U.S. Provisional Application No. 60/026,471, filed on September 23, 1996.

- ☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S. --  
☒ The Examiner is requested to review the references cited in the above-noted prior application and to make those references of record in the instant application.

4. **PRIORITY CLAIM**

- ☐ Priority is hereby claimed under 35 U.S.C. 119/365 based on prior foreign application(s) No(s) \_\_\_\_\_ filed in (country) \_\_\_\_\_ on \_\_\_\_\_, respectively.
- ☐ Certified copy (copies) attached.
- ☐ Certified copy (copies) already filed on \_\_\_\_\_ in prior U.S. application, Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.

5. **ASSIGNMENT**

- ☒ The prior application is assigned of record to AIR MEDIA, INC.

☐ Attached is an assignment to \_\_\_\_\_.

6. **SMALL ENTITY STATUS**

- ☒ Verified Statement(s) establishing "small entity" status under Rules 9 and 27:
- ☒ has been filed in parent application and such status is still proper and desired (37CFR 1.28(a)).  
☐ is filed herewith.

7. **MAINTENANCE OF CODEPENDENCY OF PRIOR APPLICATION**

- ☒ Petition, fee and response to extend the life of the copending prior application to
- ☐ is being concurrently filed in that prior application (see item 11).  
☐ was previously filed in that prior application.  
☒ is not necessary.

8. **POWER OF ATTORNEY**

- ☒ The power of attorney in the prior application is to IRELL & MANELLA LLP and Robert Steinberg, Registration No. 33,144; Gary Frischling, Registration No. 35,515; Bruce D. Kuyper, Registration No. 33,937
- ☐ The power appears in the original papers of the prior application.
- ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☒ Recognize as associate attorneys: Norman H. Brunell, Registration No. 26,533; Sharon Wong, Registration No. 37,760, Paul Backofen, Registration No. 42,278, Peter Wied, Registration No. 43,264, Sam Lu, Registration No. 40,707; Flavio Rose, Registration No. 40,791 David Rosmann, Registration No. 43,059, and Andre Iancu, Registration No. 41,862 all of Irell & Manella LLP.
- ☒ Address all future communications to Dee Henderson, IRELL & MANELLA LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, CA 90067 (310) 277-1010.

9. AMENDMENT

☐ For the purpose of reducing the filing fee per MPEP §§ 506 and 607, please enter the following claim cancellations before calculating the filing fee (do not cancel all claims) FIRST PRELIMINARY AMENDMENT:

Cancel claims -

☒ Preliminary amendment attached. (Please enter after assigned Serial No.)

10. FEE CALCULATION

THE FOLLOWING FILING FEE IS BASED ON CLAIMS  
AS FILED LESS ANY ABOVE CANCELLED CLAIMS  
PER MPEP § 506 AND § 607

	Basic Filing Fee	\$ 760.00
Total Effective Claims	$78 - 20 = 58 \times \$18.00$	= 1044.00
Independent Claims	$2 - 3 = \_\_\_ \times \$78.00$	= 00.00
If <u>any</u> proper multiple dependent claim (ignore improper) is present, add \$260.00		
<input type="checkbox"/> Petition under 37 CFR § 1.136 is hereby made and the appropriate fee under 37 CFR § 1.17 is filed herewith to extend the term of the pending prior application to _____, for which the requisite fee is (1 month \$110); (2 months \$380); (3 months \$870); (4 months \$1360)		
Subtotal		\$1804.00
If "small entity" status box 6 is X'd, enter half (1/2) of subtotal and subtract		- 902.00

The Commissioner is hereby authorized  
to charge the total filing fee of \$ 902.00  
to Deposit Account No. 09-0946.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed or asserted to be filed or which should have been filed herewith or with any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Deposit Account No. 09-0946 for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee until/ unless an issue fee transmittal form is filed.

Sig: \_\_\_\_\_

Sharon Wong

Registration No. 37,760

IRELL & MANELLA LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067  
(310) 277-1010